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opinion

May 7, 1958

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CONCORD, N.H.

Paul E. Farnum, Acting Commissioner of Education
State House
Concord, New Hampshire

Dear Mr. Farnum:

This is in reply to your letter of April 22, 1958 in which you request my opinion as to the authority of a municipal budget committee constituted pursuant to RSA 32 with respect to the budget of a cooperative school district organized under the provisions of RSA 195 and with respect to the supervisory union budget adopted in accordance with the provisions of RSA 189:47.

It is apparent from the statutes themselves that a municipal budget committee has no authority with respect to cooperative school district budgets except in cases where the cooperative school district is composed of pre-existing school districts wholly within one town, which town has adopted the municipal budget law. See RSA 195:12 and footnote to RSA 32:1.

With respect to supervisory union budgets, your specific question seems to be whether or not the amount to be appropriated by any constituent school district as its share of the total supervisory union budget, must first be approved by the municipal budget committee if said district is located in a town which has adopted the municipal budget law. We reply in the negative.

The statutory language with respect to supervisory union budgets appears in RSA 189:47 which provides in part as follows:

"At a meeting held before January 1st of each year the supervisory union board shall adopt a budget required for the expenses of the supervisory union for the next fiscal year. . . . The supervisory union board shall apportion the total amount of the budget among the constituent school districts on the following basis provided that each district shall be required to pay for only those services in which they share. . . . Each district within a supervisory union shall raise at the next annual district meeting the sum of money apportioned to it by the supervisory union board for the expenses of services within each district received in connection with the union office." (emphasis added)

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Paul E. Farnum, Acting Commissioner
of Education

- 2 -

5/7/58

By enactment of the section, portions of which are quoted above, the Legislature has in no uncertain terms manifested its intention that the supervisory union board alone shall determine the amount to be appropriated by each of the constituent school districts and has made it mandatory upon each district to raise the amount so determined.

In answering your question one cannot ignore RSA 32:5, which provides that in towns which have adopted the municipal budget law the budget committee shall prepare a budget for "school expenditures" which charges the school boards with the responsibility of submitting to the budget committee an itemized statement of expected receipts and expenditures for the ensuing year.

After a careful consideration of both statutes it is our opinion that while the municipal budget committee has the authority and duty to prepare the school budget as a whole, it has no authority to first limit, approve or disapprove the amount of that item in the budget for the local school district's share of the supervisory union budget. It is our feeling that any different conclusion would defeat the purposes of RSA 189:47.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR/m